

In re Application of: Stopczynski, Lawrence Gerard
Serial No.: 10/635,893
Response to 7/28/2004 Office Action
Customer Number: 46796
Attorney Docket No.: FORDS

REMARKS

In the Office Action, the Examiner rejected Claims 1-19. Claims 1-17 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over *Weilkes et al.* (U.S. Patent Application Publication No. US 2003/0167113) in view of *Regensburger et al.* (U.S. Patent Application Publication No. US 2002/0169537). Claims 18-19 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over *Regensburger* in view of *Weilkes*. Claims 1, 10, and 18 have been amended to further clarify Applicant's invention, and Claim 19 has been amended as suggested by the Examiner. Applicant submits that the claim amendments do not introduce new matter and are supported in the Specification on pages 8-9. After entry of this Response, Claims 1-19 are pending.

I. Claims 1-17

In rejecting Claims 1-17, the Examiner states that "*Weilkes* teaches a method of controlling sensors, the method comprises: establishing a vehicle operational criteria (speed) associated with a vehicle operational safety feature (ACC, parking, etc.) (para 0009, 0034); determining a sensor beam coverage area for the vehicle operational criteria (para 0007); receiving a status parameter representing the operational status of the vehicle (para 0031); activating the sensor for scanning a sensor beam coverage according to the vehicle operational criteria (para 0025)." The Examiner additionally states that "*Weilkes* does not explicitly teach using a sensor in the controlling method" but that "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the sensors of *Weilkes* with a sensor of *Regensburger et al* to facilitate implementation of the sensing system." Applicant respectfully traverses this rejection, especially in light of the clarifying amendments.

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Weilkes discloses a multi-purpose driver assist system for a motor vehicle. The *Weilkes* driver assistance system has at least one distance measuring sensor and a control unit for activating safety devices in response to the distance measuring sensor. *Weilkes*, Abstract; ¶ 23. The control unit allows the *Weilkes* system to operate in three operating modes: pre-crash, park-distance, and cruise-control. *Weilkes*, ¶24. The *Weilkes* system is a rigid state machine, however, and can not simultaneously operate in more than one of these three modes. *Weilkes*, ¶ 29. The *Weilkes* system changes between these modes in response to vehicle speed and distance information and initiates warnings or other functional groups according to vehicle speed and distance information. *Weilkes*, ¶¶ 9-13. *Regensberger*, on the other hand, discloses a three-dimensional perception of an environment system. The purpose of the *Regensberger* system is to obtain 3-D environment information from 2-D distance information. *Regensberger*, ¶ 12. The *Regensberger* system utilizes a distance sensor to produce a series of two dimensional distance profiles, and a data processing unit and a storage unit which preprocesses and stores sequential distance profiles and produces three dimensional environmental images from distance profile sequences. *Regensberger*, ¶ 13.

Applicant respectfully submits that the *Weilkes-Regensberger* combination is improper and can not substantiate a § 103 rejection of Applicant's claimed invention. The combination is improper because the cited references do not provide a suggestion or motivation to combine or modify the references as the Examiner has in making the § 103 rejection. Also, the cited references teach away from simultaneously operating a first and a second vehicle operational safety feature as recited in Applicant's amended claims 1, 10, and 17. As discussed above, *Weilkes* is a rigid state machine not capable of simultaneously operating in more than one

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mode, or as *Weilkes* states, "due to the different operating modes and their different demands on sensors, the various operating modes may not be run simultaneously but at best interchangeably." *Weilkes*, ¶ 29 (emphasis added). Similarly, *Regensberger* teaches away from Applicant's invention because it does not teach or suggest any vehicle operational safety features. Further, Applicant respectfully submits that *Regensberger* is non-analogous art because it is not directed toward the problems solved by Applicant's invention. Instead, *Regensberger* is focused on "obtaining three-dimensional environmental information from two-dimensional distance information." In sum, Applicant submits that the cited combination is improper and can not substantiate a § 103 rejection.

Applicant further asserts that the *Weilkes-Regensberger* combination does not teach each and every claim element and limitation as recited in amended independent Claims 1, 10, and 17. Specifically, the cited combination does not teach to determine a sensor beam coverage area for a first and a second vehicle operational criteria or a first and a second vehicle operational safety feature. The Examiner asserts that ¶ 7 of *Weilkes* teaches to determine "a sensor beam coverage area for the vehicle operational criteria." Applicant respectfully asserts, however, that this paragraph does not provide such a teaching. This paragraph merely discusses different monitored distance ranges, and merely discussing monitoring distance ranges does not teach or suggest determining a sensor beam coverage area for a first and a second vehicle operational criteria or a first and a second vehicle operational safety feature.

Additionally, the cited combination does not teach or suggest to simultaneously operate a first and a second vehicle operational safety feature or a plurality of vehicle operational

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safety features. The cited combination fails to teach or suggest this feature of Applicant's claimed invention, and as discussed above *Weilkes* and *Regensberger* teach away from such a feature. Applicant, therefore, respectfully submits that independent Claims 1, 10, and 17 are patentable over the *Weikle* and *Regensberger* references and that dependent Claims 2-9 and 11-16 are likewise patentable for the further limitations contained therein. Withdrawal of the § 103 rejection to Claims 1-17 is respectfully requested.

II. Claims 18-19

In rejecting Claims 18-19, the Examiner states that it would have been obvious to one of ordinary skill in the art at the time the invention was made "to enclose all components for generating far, near, wide, and narrow range of light beams in a housing, and to use the activation detection of *Weilkes* in activating the sensor of *Regensberger* in order to facilitate installation of the sensor to the vehicle and to facilitate controlling the sensor depending on the current activation mode of the vehicle." Applicant respectfully traverses the rejection and respectfully submits that amended Claims 18-19 are patentable over the cited combination.

Applicant has amended Claim 18 to recite a controller adapted to simultaneously operate a plurality of vehicle operational safety modes in response to the activation of said automotive vehicle. As discussed above, the cited combination teaches away from such a feature and also does not teach or suggest such a feature. For the same reasons discussed above, Applicant respectfully submits that Claim 18 and 19 are patentable over the cited references. Withdrawal of the § 103 rejection to Claims 18-19 is respectfully requested.

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CONCLUSION

The foregoing is a complete response to the Office Action mailed July 28, 2004. Applicant respectfully submits that Claims 1-19 are patentable and respectfully requests passing of this case in due course of patent office business. No fees are believed due; however, the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 06-1505.

If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities that remain in the application which may be corrected by an Examiner's amendment, a telephone call to Hunter Yancey at (404) 885-3696 is respectfully solicited.

Respectfully submitted,



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